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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,343	01/28/2004	Phillip D. Garding	MS307671.1/MSFTP618US	3295
27195 7590 02/26/2008 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER PESIN, BORIS M	
			ART UNIT 2174	PAPER NUMBER
			NOTIFICATION DATE 02/26/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/766,343	<b>Applicant(s)</b> GARDING, PHILLIP D.	
	<b>Examiner</b> BORIS PESIN	<b>Art Unit</b> 2174	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This communication is responsive to the amendment filed 11/31/2007.

Claims 1-30 are pending in this application. Claims 1, 13, 16, and 21 are independent claims. In the amendment filed 11/31/2007, Claims 1, 13, 16, and 21 were amended. This action is made Non-Final.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 20 and 30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Dependent claims 20 and 30 recite a "computer readable medium" which based on the specification can be reasonably interpreted by one of ordinary skill in the art to incorporate carrier mediums (signals) and other forms of propagation or transmission

media. Thus, these claims do not fall within a statutory category.

Claims 1-15 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The use of the word "system" does not inherently mean that the claim is directed to a machine. With Regards to claims 1-12, none of the claimed elements of the system are a physical part of the device. A component could simply be a software component. With regards to claims 13-15, even though the Applicant has invoked the rebuttable presumption that 35USC 112 6<sup>th</sup> paragraph applies in the "means for" interpretation, it is entirely possible for the corresponding disclosed "means" to cover an embodiment of the software alone. Based on the specification, it is likely that the "means" is the program code itself. Thus, claims 1-5 are software *per se* and do not fall under one of the statutory categories.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 10-13, 16, 18-28 and 30 rejected under 35 U.S.C. 102(b) as being anticipated by Clauss et al. (US 6363503).

As per claim 1, Clauss discloses of a “computer-implemented interactive user messaging system comprising a receiver component that receives message components corresponding to events, each message component including a plurality of messages, each message from the plurality of messages relates to at least a part of a particular event, the messages are hierarchically organized from a high level description of the particular event to a low level description of the particular event” (Clauss column 6, Lines 1-14, and Figures 4b and 5b (shows a plurality of messages for the component)); and “an assist component that provides one or more menu items corresponding to the respective messages of the message components in connection with addressing the events” by supplying information about the errors (Clauss column 5 lines 44-47).

As per claim 2, the rejection of claim 1 is incorporated and Clauss further discloses “a context component that describes errors related to a user command” by supplying information related to an error condition (Clauss column 3 lines 38-41).

As per claim 3, the rejection of claim 2 is incorporated and Clauss further discloses “a rationale component that provides a reason for the error” by providing information on a specific condition that caused the generation of the message (Clauss column 6 lines 7-13).

As per claim 4, the rejection of claim 1 is incorporated and Clauss further discloses “an advanced help component for providing technical information about events” by providing help information about the errors (Clauss column 5 lines 43-47).

As per claim 6, the rejection of claim 1 is incorporated and Clauss further discloses “a message distribution component for capturing message text” by using an error log (Clauss, Column 5, Lines 50-54).

As per claim 10, the rejection of claim 1 is incorporated and Clauss further discloses “a command component that receives a command instruction from a user” by having buttons that allow user to perform certain actions (Clauss column 5 line 43).

As per claim 11, the rejection of claim 10 is incorporated and Clauss further discloses “command informs a client that a user desires to issue a particular command” by pressing a button (Clauss column 5 line 43).

As per claim 12, the rejection of claim 1 is incorporated and Clauss further discloses “a format component for receiving information regarding graphical objects and associated functionality that are to be available to a user” by providing a graphic object that provides more information about the error (Clauss column 6, Lines 34-37).

As per claim 13, claim 13 contains similar limitations as claim 1 and is rejected under the same rationale as set forth in connection with claim 1.

As per claim 16, Clauss teaches a computer-implemented method for providing users with help associated with computer system events comprising:

receiving a message component relating a system event, the message component comprises a plurality of messages, each message of the plurality of messages relates to an aspect of the system event (See Column 6, Lines 1-14, construction error);

generating a list of messages retrieved from the message component, the messages relate to different aspects of the system event, the messages are hierarchically organized from a high level description of the system event to a low level description of the system event(See Column 6, Lines 1-14); and

generating menu items associated with each message in the list of messages (See Column 5, Lines 44-47 and 6 Lines 34-37).

As per claim 18, the rejection of claim 16 is incorporated and claim 18 contains the same limitations as claim 15 and is rejected under the same rationale as set forth in connection with claim 15.

As per claim 19, the rejection of claim 16 is incorporated and Clauss further discloses “menu items generate a query for a database” by getting more information about the error (Clauss column 5 lines 44-45).

As per claim 20, the rejection of claim 16 is incorporated and Clauss further discloses “A computer readable medium having stored thereon computer executable instructions for carrying out the method” by having a computer readable medium to execute instructions (Clauss column3 lines 48-55).

As per claim 21, claim 21 contains the same limitations as claims 1 and 13 and is rejected under the same rationale as set forth in connection with claims 1 and 13. In addition, Clauss discloses “receiving a menu item selection” by providing an option for a user to select a button (Clauss column 5 lines 44-47).

As per claim 22, the rejection of claim 21 is incorporated and Clauss further discloses that “messages are displayed hierarchically from the least specific to the most detailed” (Clauss Column 6, Lines 1-14).

As per claim 23, claim 23 contains the same limitations as claim 15 and is rejected under the same rationale as set forth in connection with claim 15.

As per claim 24, the rejection of claim 21 is incorporated and Clauss further discloses “providing help includes retrieving information from a database” by providing context sensitive help (Clauss column 6 lines 38-39).

As per claim 25, the rejection of claim 21 is incorporated and Clauss further discloses “providing a pointer to a corrective mechanism” by directing a user to an the source of the probelm (Clauss column 6 lines 15-19).

As per claim 26, the rejection of claim 21 is incorporated and Clauss further discloses “providing help includes correcting an error” by showing the user where the error occurred so it is corrected (Clauss column 6 lines 15-19).

As per claim 27, the rejection of claim 21 is incorporated and claim 27 contains the same limitations as claim 5 and is rejected under the same rationale as set forth in connection with claim 5.

As per claim 28, the rejection of claim 21 is incorporated and claim 28 contains the same limitations as claim 6 and is rejected under the same rationale as set forth in connection with claim 6.

As per claim 30, the rejection of claim 21 is incorporated and Clauss further discloses “A computer readable medium having stored thereon computer executable



instructions for carrying out the method” by having a computer readable medium to execute instructions (Clauss column 3 lines 48-55).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being obvious over Clauss et al U.S. Patent Number 6,363,503 (hereinafter Clauss) in view of Pangburn U.S. Patent Number 7152226 (hereinafter Pangburn).

As per claim 5, the rejection of claim 4 is incorporated but Clauss does not disclose “the technical information is a stack trace.” Pangburn discloses that a stack trace is used to debug a program (Column 7, Lines 64-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clauss with the teachings of Pangburn and include a stack trace with the motivation to make it easier for a user to debug an application when an error occurs.

Claims 7-8, 14, and 29 are rejected under 35 U.S.C. 103(a) as being obvious over Clauss et al U.S. Patent Number 6,363,503 (hereinafter Clauss) in view of Pittore U.S. Patent Number 6,414,699 (hereinafter Pittore).

As per claim 7, the rejection of claim 6, as discussed above, is incorporated but Clauss does not disclose "message text is copied to a clipboard for further use by other applications". However, Pittore teaches "message text is copied to a clipboard for further use by other applications" by copying message text to a clipboard (Pittore column 4 lines 61-65).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the clipboard copying of Pittore with the message system of Clauss. One of ordinary skill in the art would have been motivated to do so because having clipboard copying would allow for the ease of reuse of text (Pittore column 5 line 1).

As per claim 8, the rejection of claim 6 is incorporated but Clauss does not disclose "message text is copied to the body of a new email message". However, Pittore teaches "message text is copied to the body of a new email message" by taking message text and copying to a clipboard then enabling the copied information to be accessible to other applications [like email] (Pittore column 2 lines 2-6).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the message use on other applications of Pittore with the message system of Clauss. One with ordinary skill in the art would have been motivated to do so because it would allow for retention of data.

As per claim 14, the rejection of claim 13 is incorporated and claim 14 contains the same limitations as claim 7 and is rejected under the same rationale as set forth in connection with claim 7.

Claim 29 contains the same limitations as claim 8 and is rejected under the same rationale as set forth in connection with claim 8.

Claim 9 is rejected under 35 U.S.C. 103(a) as being obvious over Clauss et al U.S. Patent Number 6,363,503 (hereinafter Clauss) in view of Boulton et al. U.S. Patent Number 5,566,291 (hereinafter Boulton).

As per claim 9, the rejection of claim 1 is incorporated but Clauss does not disclose “a feedback component that provides a message corresponding to an event to a developer or company database”. However, Boulton teaches of “a feedback component that provides a message corresponding to an event to a developer or company database” by providing a feedback component to the user for developers (Boulton column 11 lines 25-30).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the feedback component of Boulton with the message system of Clauss. One of ordinary skill in the art would have been motivated to do so because having a feedback component would allow for invaluable discovering of problems in a tested product, process or service (Boulton column 11 lines 31-34).

Claim 15 is rejected under 35 U.S.C. 103(a) as being obvious over Clauss et al U.S. Patent Number 6,363,503 (hereinafter Clauss) in view of Spellman et al. U.S. Patent Number 6,667,747 (hereinafter Spellman).

As per claim 15, the rejection of claim 13 is incorporated but Clauss does not disclose "help links are links to web pages containing specific information related to the message." Spellman teaches a method and apparatus for providing a hyperlink within a computer program that access information outside of the computer program by using the Internet (See Abstract and Column 8 Line 10). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Clauss with the teachings of Spellman and include a method of linking to web pages with the motivation to provide the user with more up to date help information and more extensive array of information since the server can (most of the time) store more data on it than the client.

Claim 17 is rejected under 35 U.S.C. 103(a) as being obvious over Clauss et al U.S. Patent Number 6,363,503 (hereinafter Clauss) in view of Smith et al. U.S. Patent Number 5,678,013 (hereinafter Smith).

As per claim 17, the rejection of claim 16 is incorporated but Clauss does not disclose "the list of messages is a hierarchical linked list". However, Smith teaches "the list of messages is a hierarchical linked list" by setting up a hierarchy of objects that arranged by classification (Smith column 22 lines 29-34).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the hierarchical list of Smith with the message system of the modified Clauss. One of ordinary skill in the art would have been motivated to do so because having a hierarchical linked list would allow for classification of data (Smith column 22 lines 37-40).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Inquiry***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2174

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Boris Pesin/  
Examiner, Art Unit 2174